

United States Government

Department of Energy

Rocky Flats Office

memorandum

DATE: FEB 12 1993
REPLY TO:
ATTN OF: ERD:BKT:01468
SUBJECT: Bald Eagle Sightings
TO: See Attached List

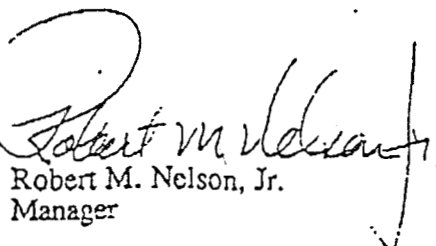
At a February 3, 1993, meeting with the U.S. Fish and Wildlife Service (FWS), DOE/RFO was made aware that a nesting pair of bald eagles has established residency in the vicinity of the northwest portion of Standley Lake. The FWS indicated that the eagles have been present at this location for the last two to three weeks. They further indicated that these eagles have been observed flying into the RFP buffer zone presumably foraging for food in the Walnut and Woman Creek drainages.

Bald eagles currently receive protection under the Endangered Species Act, the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act. Each of these Federal statutes has civil and criminal liability provisions for violations including "take". In addition, there are civil and criminal liability provisions in the State of Colorado statutes for violations including "take". Under the Endangered Species Act, "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to engage in any such conduct. "Take" under the Bald and Golden Eagle Protection Act includes pursue, shoot, shoot at, poison, wound, kill, capture, trap, collect, molest or disturb. Thus, even approaching an eagle is interpreted as take by the FWS.

I request that you notify all members of your staff as well as all subcontractor staff members that the eagles may be encountered at the RFP. If they are sighted, we request that actions be taken to avoid "take" which includes molesting and disturbing. The bottom line is that eagles foraging, resting, etc., at the RFP should not be approached or disturbed in any way.

In addition, if an eagle is sighted at the RFP, I request that information such as the time of day, location, activity, etc. be reported to Steve Nesta, EG&G, at extension 8605. This information will be of great value regarding our compliance activities under the above statutes.

Thank you for your cooperation.


Robert M. Nelson, Jr.
Manager

ADMIN RECORD

A-DU03-000118

Attached List
ERD:BKT:01468

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Attached List:

A. Pauole, OOM, RFO
J. Hartman, AMEM, RFO
M. Karol, AMO, RFO
V. Witherill, AMTS, RFO
M. Bishop, AMA, RFO
K. Izell, OCC, RFO
M. McBride, TG, RFO
D. Sargent, PAO, RFO
B. Brainard, OPA, RFO
G. Cannode, TDO, RFOP